

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46048 of 2017

Arising Out of PS.Case No. -55 Year- 2016 Thana -BELCHAR District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Md. Habullah @ Habibullah @ S K. Habibullah, son of late Md. Isam,
 2. Mamnesha Khatoon @ Maimula Nesha, wife of Md. Habullah @ Habibullah @ SK. Habibullah, both are resident of Gauripur, Seikh Tola, P.S.- Balthar, District- West Champaran at Bettiah.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr. Manish Kumar 2, APP

Mr. Bimlesh Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 21-09-2017

Heard learned counsel for the petitioners and learned

APP for the State as well as counsel for the informant.

Petitioners apprehend their arrest in Balthar P.S.

Case No.55 of 2016 instituted for the offence under Section(s)
363, 365, 366/34 Indian Penal Code.

It has been submitted that petitioners are the parents of co-accused, Md. Munna, who has performed *Nikah* with the daughter of the informant. Counsel for the informant has further submitted that the police after investigation submitted Final Form against this petitioner, but the learned Magistrate after differing with Final Form took cognizance against these petitioners also along with Md. Munna.



Statement of the daughter of the informant was recorded under Section 164 Cr. P.C., which has been annexed as Annexure-2, wherein, she has stated that her *Nikah* has been performed with Md. Munna. Xerox copy of the *Nikahnama* between daughter of the informant and son of the petitioners has been annexed as Anenxure-3.

Counsel for the informant has appeared and opposed the prayer of bail.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Balthar P.S. Case No.55 of 2016, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, VII, West Champaran, Bettiah, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will



automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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